

EXHIBIT 10

From: Eaton, Mary <meaton@willkie.com>
Sent: Thursday, August 01, 2013 7:04 PM
To: Johnson, Michael
Cc: Weitnauer, Kit; Hao, William; Simmons, Bethany; Bart Green; James, Emma; Baio, Joseph; mcarney@McKoolSmith.com; bumari@McKoolSmith.com; 'glenn.siegel@dechert.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'christensen@sewkis.com'; 'glee@mofo.com'; pgoodman@McKoolSmith.com; 'ckerr@mofo.com'; 'alawrence@mofo.com'; 'keckstein@kramerlevin.com'; 'pkaufman@kramerlevin.com'; 'deggermann@kramerlevin.com'; 'alevine@kramerlevin.com'; 'jgarity@morganlewis.com'; 'rmauceri@morganlewis.com'; 'JGoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'john.kibler@newyork.allenavery.com'; 'michael.martinez@mayerbrown.com'; Richard L Wynne; Howard F Sidman; Steven C. Bennett
Subject: RE: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) - Email 1 of 2

Categories: Expert Emails, Eaton Emails

Michael:

Respectfully, it is not for you to judge what would be useful for our cross-examination nor to require us to specify what must be produced. The rules provide what they provide and Judge Glenn has made abundantly clear that he expects the parties to abide by them – including by producing the work papers -- or the witness(es) will not be permitted to testify. In any event, even if we agreed to provide you with a list of what we think is missing, we cannot know what you have hidden precisely because you have hidden it. All we can tell you is what we know -- not what we don't know -- and what know is that you have failed to produce certain work papers because (a) there are broken links in the work papers you have produced so far, (b) you yourself told the Court you only produced what you regard to be the “primary” work papers and (c) it is inconceivable that there are not other work papers in existence given the opinions Mr. Pfeiffer expressed.

As for the meet-and-confer, here is our position (which you know full well because we have been telling you this for some time now): produce everything as required, and as Judge Glenn made clear. If you believe you have a basis for not producing anything, you need to tell us what you are withholding and why you feel you are entitled to withhold it. We request an answer no later than tomorrow morning.

Thanks and have a pleasant evening,
Mary

From: Johnson, Michael [mailto:Michael.Johnson@alston.com]
Sent: Thursday, August 01, 2013 6:29 PM
To: Eaton, Mary
Cc: Weitnauer, Kit; Hao, William; Simmons, Bethany; Bart Green; James, Emma; Baio, Joseph; mcarney@McKoolSmith.com; bumari@McKoolSmith.com; 'glenn.siegel@dechert.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'christensen@sewkis.com'; 'glee@mofo.com'; pgoodman@McKoolSmith.com; 'ckerr@mofo.com'; 'alawrence@mofo.com'; 'keckstein@kramerlevin.com'; 'pkaufman@kramerlevin.com'; 'deggermann@kramerlevin.com'; 'alevine@kramerlevin.com'; 'jgarity@morganlewis.com'; 'rmauceri@morganlewis.com'; 'JGoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'john.kibler@newyork.allenavery.com'; 'michael.martinez@mayerbrown.com'; Richard L Wynne; Howard F Sidman; Steven C. Bennett
Subject: RE: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) - Email 1 of 2

Mary: nothing is “overdue.” At page 32 of the transcript, Judge Glenn directed you to meet-and-confer on the work papers issue (“You need to confer with him further”), which you failed to do prior to the deadline for submission of direct testimony declarations. Notwithstanding the extremely limited (if any) utility that production of even more work papers could have at this time, we’re prepared to meet-and-confer promptly after you specify in writing precisely what it is that your clients are looking for. That information is needed so that we can consider the request in advance with Duff & Phelps, facilitating a productive meet-and-confer call. Thanks.

Michael E. Johnson
Alston & Bird LLP
90 Park Avenue
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(212) 210-9584
michael.johnson@alston.com

From: Eaton, Mary [<mailto:meaton@willkie.com>]
Sent: Thursday, August 01, 2013 6:00 PM
To: Johnson, Michael; Bart Green; James, Emma; Baio, Joseph; mcarney@McKoolSmith.com; pgoodman@McKoolSmith.com; bumari@McKoolSmith.com; 'glenn.siegel@dechert.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'christensen@sewkis.com'; 'glee@mofo.com'; 'ckerr@mofo.com'; 'alawrence@mofo.com'; 'keckstein@kramerlevin.com'; 'pkaufman@kramerlevin.com'; 'deggermann@kramerlevin.com'; 'alevine@kramerlevin.com'; 'jgarrison@morganlewis.com'; 'rmauceri@morganlewis.com'; 'JGoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'john.kibler@newyork.allenavery.com'; 'michael.martinez@mayerbrown.com'; Richard L Wynne; Howard F Sidman; Steven C. Bennett
Cc: Weitnauer, Kit; Hao, William; Simmons, Bethany
Subject: RE: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) - Email 1 of 2

Dear Michael:

At the hearing on July 25, you represented to the Court that you “have provided what we consider to be the primary work papers.” (Hr’g Tr. at 17.) It is our position that you are not entitled to pick and choose which work papers to produce. Rather, all work papers must be produced, “primary” or otherwise, and irrespective of whether the expert considered them in forming the opinions expressed. (See Hr’g Tr. at 16-17, 36-37.) Based on our review of the documents produced, and the comments you made to the Court, it is evident that those work papers have not been produced. Kindly produce them now. They are long overdue.

Thanks in advance.

Sincerely,
Mary

From: Johnson, Michael [<mailto:Michael.Johnson@alston.com>]
Sent: Wednesday, July 24, 2013 5:11 PM
To: Bart Green; Eaton, Mary; James, Emma; Baio, Joseph; mcarney@McKoolSmith.com; pgoodman@McKoolSmith.com; bumari@McKoolSmith.com; 'glenn.siegel@dechert.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'christensen@sewkis.com'; 'glee@mofo.com'; 'ckerr@mofo.com'; 'alawrence@mofo.com'; 'keckstein@kramerlevin.com'; 'pkaufman@kramerlevin.com'; 'deggermann@kramerlevin.com'; 'alevine@kramerlevin.com'; 'jgarrison@morganlewis.com'; 'rmauceri@morganlewis.com'; 'JGoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'john.kibler@newyork.allenavery.com'; 'michael.martinez@mayerbrown.com'; Richard L Wynne; Howard F Sidman; Steven C. Bennett
Cc: Weitnauer, Kit; Hao, William; Simmons, Bethany
Subject: RE: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) - Email 1 of 2

Counsel: please see the attached letter, which was just sent to chambers.

Michael E. Johnson
Alston & Bird LLP
90 Park Avenue
New York, New York 10016
(212) 210-9584
michael.johnson@alston.com

From: Bart Green [<mailto:bartgreen@JonesDay.com>]

Sent: Tuesday, July 23, 2013 10:33 PM

To: meaton@willkie.com; EJames@willkie.com; jbaio@willkie.com; mcarney@McKoolSmith.com; pgoodman@McKoolSmith.com; bumari@McKoolSmith.com; 'glenn.siegel@dechert.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'christensen@sewkis.com'; Weitnauer, Kit; Johnson, Michael; Hao, William; 'glee@mofo.com'; 'ckerr@mofo.com'; 'alawrence@mofo.com'; 'keckstein@kramerlevin.com'; 'pkaufman@kramerlevin.com'; 'deggermann@kramerlevin.com'; 'alevine@kramerlevin.com'; 'jgarrrity@morganlewis.com'; 'rmauceri@morganlewis.com'; 'JGoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'john.kibler@newyork.allenovery.com'; 'michael.martinez@mayerbrown.com'

Cc: Richard L Wynne; Howard F Sidman; Steven C. Bennett

Subject: Fw: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) - Email 1 of 2

Please see the email below from Chambers requesting letter briefs from all relevant parties by tomorrow at 5pm, not to exceed 5 pages, unless the parties can agree.

Bart Green
Associate
Jones Day
222 E. 41st St.
New York, NY 10017
Phone: 212-326-3968
Fax: 212-755-7306
Email: bartgreen@jonesday.com

----- Forwarded by Bart Green/JonesDay on 07/23/2013 10:29 PM -----

From: [Jeannie Chung@nysb.uscourts.gov](mailto:Jeannie_Chung@nysb.uscourts.gov)
To: "Bart Green" <bartgreen@JonesDay.com>
Cc: "Richard L Wynne" <lwynne@JonesDay.com>, "Howard F Sidman" <hfsidman@JonesDay.com>
Date: 07/23/2013 10:19 PM
Subject: Re: In re Residential Capital, LLC, et al. (Case No. 12-12020 (MG)) (Proposed Order)

All,

The Court would like letter briefs from all relevant parties by tomorrow at 5pm, not to exceed 5 pages, unless the parties can agree.

The Court would also like to schedule a hearing on this matter for 9am Thursday (if this hasn't been resolved).

Please let all relevant parties know of these deadlines and keep chambers informed of any developments.

Thank you,
Jeannie

Sent from my iPhone

On Jul 23, 2013, at 4:57 PM, "Bart Green" <bartgreen@JonesDay.com> wrote:

Attached please find a letter to Judge Glenn from Howard Sidman on behalf of Financial Guaranty Insurance Company enclosing a proposed order relating to a deposition scheduled to be taken tomorrow at 8 a.m. We understand that Naomi Moss of Morrison Foerster spoke to Chambers today about passing on the letter and proposed order to Judge Glenn. A Word version of the proposed order is also attached.

Respectfully,

Bart Green
Associate
Jones Day
222 E. 41st St.
New York, NY 10017
Phone: 212-326-3968
Fax: 212-755-7306
Email: bartgreen@jonesday.com

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<July 23, 2013 Letter.pdf>
<Proposed Order.DOCX>

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